

REMARKS

Applicant has studied the Final Office Action dated November 28, 2007. Claims 1, 2, 4-13, and 15-22 are pending. Claims 18-20 have been withdrawn from consideration as being directed to a non-elected invention. Claims 13 and 15 have been amended and claim 14 has been canceled without prejudice. New claims 21 and 22 have been added. Claims 1 and 18 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claim 13 has been amended by incorporating the features of canceled claim 14. Claim 15 has been amended to more clearly disclose the invention. Support for amendments to claim 15 can be found, for example, in FIG. 10. It is respectfully submitted that the claim amendments presented herein do not add any new matter or features and do not significantly alter the scope of the claims. Consequently, the claim amendments should not require any further search by the Examiner. Accordingly, entry of the amendments to the application is respectfully requested.

§ 102 Rejection

Claims 1, 2, 4, 8, 9, 11, and 15-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lim (U.S. 2003/0227564). Applicant respectfully disagrees with the Examiner's interpretation of Lim and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With regard to the rejection of independent claim 1, it is respectfully noted that the Examiner asserts, at paragraph 11 of the Office action, that Lim discloses each

element recited in claim 1. It is further respectfully noted that the Examiner acknowledges, at paragraph 5 of the Office action, that "nowhere in Lim does it disclose a detailed description or individual elements of the decelerator 42." However, it is respectfully noted that the Examiner believes that the claimed elements of the decelerator recited in claim 1 are necessary parts of the Lim's decelerator.

It is also respectfully noted that the Examiner asserts, at paragraph 11 of the Office action, that "Lim provides, along the same axis of rotation, a motor ([41]), a camera (50), an output terminal (s1), and a decelerator (42)." The Examiner further asserts, at paragraphs 7 and 11 of the Office action, that "the Examiner sees no other way to provide such capability other than to provide within the decelerator (42) the claimed "drive gear", "deceleration gear", "deceleration rotational axle", and a "transmission gear." Therefore, it is respectfully noted that the Examiner's assertion is not based on the actual disclosure of each element in the cited reference, but is based on the Examiner's constructive disclosure.

In particular, it is respectfully noted that the "motor 41 on the same axle as the camera and decelerator" of Lim has been interpreted by the Examiner as the drive gear provided at a camera motor axle recited in claim 1, the "decelerator 42" of Lim has been interpreted by the Examiner as the deceleration gear operatively coupled to said drive gear recited in claim 1, and the "output terminal (s1)" of Lim has been interpreted by the Examiner as the transmission gear operatively coupled between said drive gear and said deceleration gear recited in claim 1 at paragraph 11 of the Office action.

However, contrary to the above assertion that the output terminal (s1) is interpreted as the transmission gear, it is respectfully noted that the Examiner also asserts, at paragraphs 7 and 11 of the Office action, that the "decelerator (42) output terminal (s1) coupled with the camera (50) would operatively form "a deceleration gear." It is further respectfully noted that the Examiner asserts that the "motor (41) output shaft coupled with the decelerator (42) would operatively form "a drive gear" and "the actual mechanism for changing the torque would operatively form "a transmission gear." In view of the Examiner's contradictory assertion, it is respectfully submitted that it is unclear as to the structure of the asserted means for decelerating allegedly disclosed in Lim except that the asserted drive gear, deceleration gear, and

transmission gear in Lim are provided along the same axis of rotation (see FIG. 3 in Lim).

It is respectfully noted that “[d]rawings and pictures can anticipate claims if they clearly show the structure which is claimed. *In re Mraz*, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928).” It is further respectfully noted that “[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art.” M.P.E.P. § 2125.

It is further respectfully noted that the disclosure in Lim related to FIG. 3 is silent regarding the structure of the asserted drive gear, deceleration gear, and transmission gear. It is respectfully submitted that FIG. 3 of Lim is not sufficient to disclose every element included in the means for decelerating, as recited in claim 1, given the lack of any supporting disclosure in the specification since Lim only discloses that the “decelerator 42 is installed in one end of the motor 41 to decrease a rotating force generating in the motor 41 and increase torques to rotate an output terminal (s1),” “the other end of the output terminal (s1) is connected in a unit with the side of the camera 50 as illustrated in the drawing,” and “the rotating force of the motor 41 is delivered to the camera 50 connected to the output terminal (s1) and accordingly it rotates the camera 50 in the forward or backward direction.” (paragraphs [0055] and [0056]).

The Examiner is respectfully reminded that a proper rejection for anticipation under §102 requires that the cited reference discloses not only each element of the claimed invention, but also the relationship between the individual elements required for the claimed invention. Contrary to the Examiner’s belief that Lim provides the necessary elements to anticipate the claim language, it is respectfully asserted that Lim fails to disclose or suggest each element and the relationship between the individual elements recited in claim 1.

With regard to the rejections of claims 15-17, it is respectfully noted that the Examiner asserts, at paragraph 19 of the Office action, that Lim discloses all features recited in claims 15-17, citing exactly same portions of Lim and reciting exactly same comments which were already presented at paragraph 11 of the Office action in

connection with the rejection of claim 1. It is respectfully submitted that it is unclear as to how paragraph 19 of the Office action discloses features recited in claims 15-17.

For example, with regard to claim 15, reciting transmission gear is mounted on a bracket and rotates via an axle, it is respectfully submitted that is unclear as to which disclosure of Lim has been interpreted as the bracket or the axle. Nonetheless, claim 15 has been amended to recite transmission gear is mounted on a bracket and rotates via an axle which is connected to the bracket and parallel to the camera motor axle to more distinctively disclose the present invention. It is respectfully requested that the Examiner specifically points out where in Lim the features recited in claims 15-17 are disclosed.

Accordingly, it is respectfully asserted that independent claim 1 is allowable over the cited reference. It is further respectfully asserted that claims 2, 4, 8, 9, 11, and 15-17, which depend from claim 1, also are allowable over the cited reference at least by virtue of their dependency from the allowable base claim.

§ 103 Rejection

Claims 5-7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lim in view of Kang (US 7,133,691). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkenert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

With regard to the rejection of claims 5-7, it is respectfully noted that Kang was cited by the Examiner for disclosing a "bushing 42" and an "elastic subpart 44" which

are attached to the camera module 30 because the Examiner believes that they act as a frictional plate.

With regard to the rejection of claim 10, it is respectfully noted that Kang was cited for disclosing a bushing 42 and an elastic subpart 44 which are attached to the camera module 30 because the Examiner believes that they act as a fixation ring.

However, as discussed in the Amendment filed on September 5, 2007 in response to the Office action dated June 5, 2007, it is respectfully asserted that Kang fails to disclose or suggest the features recited in claims 5-7 and 10. The Examiner has not responded to the arguments put forth in the previous Amendment and it is respectfully requested that these arguments be addressed.

Moreover, it is respectfully submitted that Kang fails to cure the deficiencies of Lim with regard to the features recited in claim 1, specifically, at least the features included in the means for decelerating. Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claims 5-7 and 10, which depend from claim 1, also are allowable over the cited references because they, independently or in combination, fail to disclose or suggest the recited limitations.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lim. This rejection is respectfully traversed.

However, with this paper, claim 14 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 14 and it is respectfully requested that the rejection be withdrawn.

New Claims

With this paper, new claims 21 and 22 have been added. Support for new claims 21 and 22 can be found, for example, in FIG. 10. Since claims 21 and 22 depend from allowable independent claim 1, it is believed that addition of these new claims does not raise any new issue. Accordingly, entry of new claims 21 and 22 to the application is respectfully requested.

It is believed that claims 21 and 22 are allowable because none of the cited references disclose that a first axis of revolution of the deceleration gear and a second axis of revolution of the drive gear are same and a third axis of revolution of the transmission gear is different from the first and the second axes, as recited in claim 21 or the deceleration gear has teeth on an inner circumferential surface and the transmission gear is adapted to mesh with the drive gear at an inner area of the deceleration gear, as recited in claim 22.

It is respectfully asserted that claims 21 and 22, which depend from allowable independent claim 1, are allowable at least by virtue of their dependency from the allowable base claim.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1, 2, 4-13, and 15-22 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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